

Attorney Docket No. AUS920030842US1
Serial No. 10/777,717
Response to Office Action mailed 12/04/2006

II. Remarks

1. **Claim Objection.** The examiner objected to claim 28 and 29 because they should recite "the shopping token of claim 26" and "the shopping token of claim 28" respectively. Applicant has amended claim 28 and 29 to address these informalities.

2. **Rejections under 35 USC § 101.** The examiner rejected claims 26-36 because independent claim 26 fails to show imparted functionality and is merely drawn to a data structure (i.e. a shopping token containing information). The examiner cited definitions of a token and stated that "claim 26 is directed to a disembodied data structure/data per se, which is considered non-statutory subject matter." Applicant has amended claim 26 to add the limitations "recorded on a computer readable medium" and "wherein responsive to creation of the shopping token, a contract is electronically created between a buyer and a seller in an online transaction." Applicant submits that claim 26 now overcomes the 35 USC § 101 rejection.

3. **Rejections under 35 U.S.C. § 103(a).**

a. The examiner rejected claims 1-9, 14-21, 26-33, and 37-38 as being unpatentable over US 20020042872 (Albazz) in view of US 6,141,653 (Conklin).

Albazz specifically recites a system for generating a contract between a buyer and a seller comprising:

...a Business Rules Book (BRB) maintained by an administering organization, for example the seller, containing a set of rules from which specific rules may be selected for inclusion in the contract. The seller selects a Terms and Conditions Set from a plurality of stored Terms and Condition Sets, each representing a unique set of instances of rules selected from the Business Rules Book. [0015]

The present invention thus provides a system for generating a contract between at least one seller and at least one buyer, comprising a computer for: ..., generating links between the compilation of business rules and the terms and conditions set to generate specific terms and conditions to be embodied in the contract, [0022]

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The invention further comprises a method of generating a contract between at least one seller and at least one buyer, comprising the steps of a. storing at least one compilation of business rules ..., c. generating links between the compilation of business rules and the terms and conditions set to generate specific terms and conditions to be embodied in the contract, [0023]

The Business Rules Book (BRB) is an entity which resides on the administrator organization (seller, buyer, market owner/host or other administrator organization) electronic commerce system. ... [0052]

Applicant has amended each independent claim to add the limitation that the shopping token is created "without linking a compilation of business rules residing on an administrator organization electronic commerce system to a terms and conditions set." Applicant submits that each independent claim now distinguishes over Albazz.

b. The examiner rejected claims 10-12, 22-24, 34-36, and 39-41 as being unpatentable over Albazz in view of Conklin as applied to claims 1-9, 14-21, 26-33, and 37-38, and further in view of US 20050160014 (Moss). Applicant submits that claims 10-12, 22-24, 34-36, and 39-41 now depend from an allowable independent claim. In addition, claims 10-12, 22-24, 34-36, and 39-41 have been amended to change "used for" to "provides" thereby adding a structural limitation that distinguishes over Albazz. Applicant further submits that Moss does not teach or suggest combining Moss's functions with a shopping token.

Attorney Docket No. AUS920030842US1
Serial No. 10/777,717
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III. Conclusion

Applicant submits that the claims presented are in a condition for allowance.

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On 2/5/07
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